

**Rocky Flats Citizens Advisory Board
Meeting Minutes
March 6, 2003
6 to 9:30 p.m.**

Jefferson County Airport Terminal Building, 11755 Airport Way, Broomfield

FACILITATOR: Scott Woodard

Victor Holm, the Board's chair, called the meeting to order at 6 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Joe Downey, Jim Fabian, Anne Fenerty, Tom Gallegos, Shirley Garcia, Earl Gunia, Victor Holm, Henri Jonas, Tom Marshall, Mary Mattson, Alliyah Mirza, LeRoy Moore, Andrew Ross / Rick DiSalvo, Steve Gunderson, Tim Rehder, Mark Sattelberg

BOARD / EX-OFFICIO MEMBERS ABSENT: Suzanne Allen, Dave Davia, Maureen Eldredge, Jim Kinsinger, Bill Kossack, Nancy Peters

PUBLIC / OBSERVERS PRESENT: Roman Kohler (RF Homesteaders); Rob Henneke (EPA); Liz Wilson (DOE); James Horan (citizen); Ralph Stephens (citizen); Alan Trenary (citizen); John Ciolek (citizen); Patrick Etchart (DOE); Bill McNeill (Wildlife Refuge TRG); Deb French (RFCAB staff); Jerry Henderson (RFCAB staff); Ken Korkia (RFCAB staff); Patricia Rice (RFCAB staff)

PUBLIC COMMENT PERIOD / NEW BUSINESS:

Comment: Deb French, RFCAB staff member, reported on public comment received by the Board. The RFCAB office received one comment in February via email. The comment was from a Sierra Club member who has participated in meetings of the Wildlife Refuge Technical Review Group over the past few months. He expressed concern that the group is not addressing contamination levels at the site. He feels that contamination levels influence how the site should be utilized.

Comment: John Ciolek, citizen. John noted that he received a postcard from the Board that mentioned the presentation on the 903 Pad. He was concerned that this was the first time he had heard about plans for cleanup of the 903 Pad.

Comment: Alan Trenary, citizen. Alan said he is disturbed to hear that the Board would be eliminated, because contamination at the site is not going away. He said RFCAB has done a good job serving as a watchdog and disseminating information to citizens in a way that most people can understand. He does not feel it is a good idea that RFCAB cease to exist after Rocky Flats closes, as it will remain just as important to have an independent point of view even after closure.

New Business:

RFCAB Chair Victor Holm reminded the Board that monthly meeting minutes are approved through a consent agenda. Victor noted that beginning this month, the Board's monthly financial report prepared by staff would be included as an item under the consent agenda.

Staff member Ken Korkia reminded the Board that the Environmental Management Site Specific Advisory Board (EMSSAB) Chairs meeting is scheduled to be held in Denver from Thursday, March 27 through Saturday, March 29. Ken highlighted the events scheduled to coincide with the meeting and asked Board members to attend. Each member was given a registration form. Events include an all-day tour of Rocky Flats on Thursday, March 27, an opening reception sponsored by Kaiser-Hill later the same evening, the meeting all day Friday, March 28 and a half-day Saturday, March 29. Board members were also asked to consider serving as hosts for an event planned on Friday evening called "Dine Around Denver." Small groups of those attending the Chairs meeting will be taken to various restaurants in downtown Denver and hosts are needed to escort our visitors.

Board member Anne Fenerty asked to add an item on the next agenda regarding the study done by Ward

ADMIN RECORD

BZ-A-000929

Whicker on deer at Rocky Flats. She recommends the deer tissue be analyzed for plutonium.

UPDATE ON SITE CLOSURE ACTIVITIES: Lane Butler of Kaiser-Hill gave a presentation on activities at the 903 Pad. First he talked about the tents that are covering the 903 Pad. Contamination is controlled through both negative airflow in the tent and by dust suppression. The tents are smoke tested to ensure negative airflow prior to any excavation. Continuous air sampling is performed both inside and outside the tents. Using a careful excavation process helps to minimize dust, along with a continuous water spray of excavation activities. All Intermodal (shipping container) surfaces and equipment used inside are tested prior to being released from the tent. So far, no contamination has been detected outside the tents.

Lane next explained the excavation process. A grid has been created for the pad with cells approximately 25 x 25 feet. Asphalt is removed from three adjacent cells and one foot of native soil is excavated. Every excavated bucket of soil is field monitored for volatile organic compounds (VOCs). A soil sample is collected from each bucket of soil, composited, and sampled for compatibility with Envirocare's waste acceptance criteria. If the soil is less than 50 pCi/g of plutonium, it is backfilled; if it is greater than 50 pCi/g, the site continues to excavate in one-foot increments down to three feet. If the sample at three feet is less than 1 nanoCurie per gram (nCi/g), then the soil is backfilled and regulators and stakeholders are informed.

After excavation, confirmation samples are collected in the center of each cell to determine the amount of plutonium. In addition, the Environmental Protection Agency collects independent random samples. A sample from each bucket of soil is collected and a field screen is performed to monitor for the presence of VOCs.

Lane presented a chart showing the level of contamination found within each cell and at what depth. In one case, digging to a depth of eight feet could only achieve a contamination level of 423.40 pCi/g. In most other cases the site has removed contamination below three feet to achieve contamination levels below 50 pCi/g. Lane said remediation activities so far demonstrate there are multiple small sources and contamination generally confined to upper soil layers. There are 225 cells on the pad; with 45 cells remediated to date, 20 percent of the project is complete. Almost 1,000 tons of asphalt have been excavated, and more than 4,000 tons of soil have been excavated. Lane noted that so far, excavations have produced more waste than expected, approximately 20 percent over the original estimate. To date, 290 Intermodals have been shipped to Envirocare.

Board members asked some questions of Lane. Some members expressed concern about specific areas of the pad with very high numbers. Other members asked about impacts to groundwater, the depth of groundwater underneath the pad, the size of intermodals, whether other sources of contamination as beryllium have been found, and the quality of monitoring being performed.

Rick DiSalvo then gave a brief update on the status of finalizing RFCA modifications. He said the RFCA agencies had received 94 individual comments on RFCA modifications. The agencies are preparing a comment responsiveness summary divided by topic area. Rick said that generally, although not universally, comments were supportive of risk-based approach, setting the soil cleanup level at 50 pCi/G, providing a greater cleanup of surface soil, and cleaning soil down to a level of three feet. He said changes to plans will be made based on some of the comments received. A response to comments should be completed by the end of March.

CONVERSATION WITH DOE-ROCKY FLATS SITE MANAGER GENE SCHMITT: Gene Schmitt was asked to attend this meeting to discuss the future of the Rocky Flats Citizens Advisory Board. He began by explaining how work is proceeding at the site, that the site is holding on to plans for a 2006 closure but the goal is to complete cleanup and closure before then. Gene noted that December 2005 is only 33 months away, and explained the site must start looking at what resources are required through that timeframe and how to "wrap up" the site. He is beginning to focus on reducing the federal work force. Gene said the site currently has 160 federal employees and plans next fiscal year to reduce that number by 60 to 80 people. He believes the site will only have a few dozen federal employees two years from now. Gene also said that most of the decisions on cleanup have been made and nuclear operations will disappear, so resource requirements will be reduced as well. Total funding at the site will stay the same but the workforce composition is changing and turnover is high. Kaiser-Hill has begun an extensive employee assistance program to help employees find other jobs.

Gene stated he wants the Board to remain in place through cleanup. He briefly discussed DOE's new Office of Legacy Management, which will continue oversight of the site's responsibilities after cleanup is finished. Gene

said it is important to figure out how best to use the Board's resources and what resources can realistically be provided to the Board through closure. He believes the Board can advise DOE on any subject of its choosing and that resources provided to the Board can be used at the Board's discretion. However, his preference is that the Board focus its work on areas that would help the most, such as reviewing the site's required work from now through closure. He also stated it is most valuable to receive recommendations that deal with the constraints that DOE faces (regulatory, fiscal, worker safety).

In fiscal year 2002, the site provided \$350,000 to RFCAB and \$150,000 to fund the ComRad program. Gene said that although there will be no cuts to Rocky Flats cleanup funds, discretionary funds will be cut. Gene stated that in fiscal year 2003, funding to the Board will be reduced by \$75,000 and funding for the ComRad program will be reduced \$50,000. He also said the most likely scenario for fiscal year 2004 is that ComRad funding will be reduced another \$25,000, leaving its total budget at \$75,000, and that RFCAB would receive another \$100,000 cut. This amounts to a 50 percent reduction in funding for both programs over the next two years. Gene said DOE is prepared to offer additional, non-monetary resources to the Board. For instance, because there will be "surplus" DOE employees over the next couple of years, he would like the Board to consider the option of assigning one or more DOE employees to assist the Board. Those DOE employees would replace current RFCAB staff, as layoffs of RFCAB staff would be forced by these budget cuts. Gene acknowledged the Board's concerns about independent staff. He said that although the DOE employees would report administratively to him, he would give them no guidance or direction about their dealings with the Board.

Board members expressed their concerns to Gene about what he proposed. One member was concerned that in Gene's letter to the Board, it appeared he was implying the Board had not been responsive and had not offered recommendations that were acceptable to DOE. Gene said he believes the Board could be of greater value than it is by providing recommendations that focus more on what the site should do rather than stating opinions, views, or preferences. Another Board member expressed concern about staff. She stated the Board relies heavily on its current staff and wants to continue receiving independent technical assistance. Gene suggested that perhaps the Board could interview DOE staff to determine if they would be able to provide the objectivity the Board requires. Ken Korkia noted that actual cuts in the line item covering RFCAB activities amount to 20 percent over the next two years. A question was raised about the necessity of giving the Board a 50 percent cut when that is not reflected in the budget received by the site. A member suggested that budget cuts should be made proportionally to what is found in the overall budget. One Board member asked if the site's career transition services would be made available to RFCAB staff. Gene said he would look into that possibility.

Board members decided to continue discussion about these issues at the next meeting of the RFCAB Future Committee. A suggestion was made that the Board consider a retreat in the next month or so to talk about the Board's work plan for the remainder of the year and decide how to structure the Board's work over the next couple of years. A determination about either continuing with the Board's current work plan or scheduling a retreat will be one item on the committee's agenda.

REVIEW AND APPROVE EMSSAB TRANSURANIC WASTE WORKSHOP RECOMMENDATIONS: The Board was asked to review and approve a set of draft recommendations that were developed and approved by participants at the EMSSAB (Environmental Management Site Specific Advisory Board) Transuranic Waste Workshop. The workshop was held January 31 to February 1 in Carlsbad, New Mexico, and was attended by Board members Victor Holm, Shirley Garcia, Dave Davia, and Andrew Ross, as well as staff members Ken Korkia and Jerry Henderson.

Individual boards are asked to consider and approve draft recommendations produced at such workshops. Approving this set of recommendations is on the agenda for the EMSSAB Chairs meeting to be held in Denver later this month. The protocol for approving recommendations developed at a joint workshop is that individual boards may not wordsmith recommendations, but rather are asked to either endorse or reject the recommendations as written.

Victor explained the process used at the meeting for developing the recommendations and reviewed the background of each recommendation. Board members had previously discussed via email their problems with the recommendations. Those problems were again voiced at this meeting. A question was asked about what would happen to the recommendations if individual boards rejected them. Victor said that the recommendations would still be forwarded to DOE, but only signed by the boards giving their approval. He noted that obviously, the more boards signing on to the recommendations, the greater weight the recommendations would have. Ken Korkia noted that so far only the Nevada Test Site Community Advisory Board had approved the recommendations. The

Hanford Advisory Board has rejected the recommendations.

Based on a vote, the draft recommendations were not approved by the Board. Some concerns expressed by those who voted "no" included inadequate preparation for workshop, a lack of diversity in participation, and lack of support for the recommendations from sites across the complex. Victor will convey those concerns to the EMSSAB at the Chairs meeting.

REVIEW AND APPROVE WILDLIFE REFUGE TECHNICAL REVIEW GROUP

RECOMMENDATION ON THE PURCHASE OF MINERAL RIGHTS AT ROCKY FLATS: RFCAB

staff member Patricia Rice gave a brief background presentation on the recommendation before the Board. The Wildlife Refuge Technical Review Group (TRG) unanimously adopted a recommendation supporting the purchase of privately held mineral rights at Rocky Flats using funds from the Land and Water Conservation Fund. Patricia noted that the mineral rights underlay some of the last remaining stands of xeric tallgrass prairie along the Front Range. She explained the importance of mineral rights and how the unresolved issues of mineral rights impacts the agreement (Memorandum of Understanding) between DOE and the Fish and Wildlife Service. She noted that Mark Udall's office had put forth the idea to purchase the mineral rights at Rocky Flats and that Udall's office asked for support. A Board member mentioned a new piece of legislation proposed by Mark Udall that would address other non-monetary methods of compensation for owners of mineral rights within the Rocky Flats site. After some discussion about this alternative bill, most Board members seemed to agree with the concept of purchasing or acquiring mineral rights but would rather leave open the option of selecting a specific funding mechanism. The Board asked Patricia to return the recommendation to the TRG to review potential legislation by Mark Udall and revise the recommendation as necessary.

NEXT MEETING:

Date: April 3, 6 to 9:30 p.m.

Location: Jefferson County Airport Terminal Building, Mount Evans Room, 11755 Airport Way, Broomfield

Agenda: Presentation on cleanup and demolition plans for Building 776; discussion of long-term stewardship issues; update on plans for a Rocky Flats Cold War Museum

MEETING ADJOURNED AT 9:40 p.m. *

(* Taped transcript of full meeting is available in the RFCAB office.)

RESPECTFULLY SUBMITTED:

Joe Downey, Secretary
Rocky Flats Citizens Advisory Board

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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